

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

STEVEN MICHAEL SMITH, # 2175328,	§	
	§	
Petitioner,	§	
	§	
v.	§	CIVIL ACTION NO. 6:18-CV-00404-TH
	§	
UNITED STATES OF AMERICA,	§	
	§	
Respondent.		

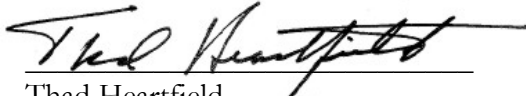
ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Petitioner Steven Michael Smith (“Petitioner”), proceeding *pro se*, filed this petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his custody on August 6, 2018. (Doc. No. 1.) The case was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation recommending that the case be dismissed with prejudice with respect to the grounds raised pursuant to 28 U.S.C. § 2241; however, noted Petitioner may, if he so chooses, file a motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255. (Doc. No. 16.) Petitioner was mailed a copy of the Magistrate Judge’s Report and Recommendation the same day as issuance on May 24, 2019. (Doc. No. 16.) Petitioner failed to return his acknowledgement card and more than 30 days have passed. The Report and Recommendation informed Petitioner of his rights to object to the Report and Recommendation within 14 days, and further informed him that a failure to timely object shall bar “*de novo* review by the district judge of those findings, conclusions and recommendations and, except on grounds of plain error, from appellate review of unobjected-to factual findings and legal conclusions accepted and adopted by the district court.” (Doc. No. 16, at 4–5 (citing *Douglass v. United*

States Auto. Ass'n, 79 F.3d 1415, 1430 (5th Cir. 1996)).) Petitioner has not filed objections and the prescribed time period for doing so has passed.

Having reviewed the findings and conclusions of the Magistrate Judge, the Court agrees with the Magistrate Judge. Therefore, the Court hereby **ADOPTS** the Magistrate Judge's Report and Recommendation (Doc. No. 16) as the findings and conclusions of the Court. It is accordingly **ORDERED** that the above-styled application for the writ of habeas corpus be **DISMISSED WITH PREJUDICE** with respect to the grounds raised pursuant to 28 U.S.C. § 2241. Petitioner may, if he so chooses, file a motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255.

SIGNED this the **22** day of **July, 2019**.


Thad Heartfield
United States District Judge